

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

TRAFFIC INFORMATION, LLC	§	
	§	
<i>Plaintiff,</i>	§	
vs.	§	
	§	
ALPINE ELECTRONICS OF AMERICA,	§	Case No. 08-CV-0007-TJW
INC., BMW OF NORTH AMERICA, LLC,	§	
CLARION CORPORATION OF AMERICA,	§	
COBRA ELECTRONICS CORPORATION,	§	JURY TRIAL DEMANDED
DELPHI CORPORATION, HARMAN	§	
INTERNATIONAL INDUSTRIES,	§	
INCORPORATED, LG ELECTRONICS	§	
U.S.A., INC., MAGELLAN NAVIGATION,	§	
INC., MIO TECHNOLOGY USA LTD.,	§	
NAVIGON, INC., SANYO NORTH	§	
AMERICA CORPORATION, and	§	
TOMTOM, INC.	§	
	§	
<i>Defendants.</i>	§	

FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Traffic Information, LLC (“Traffic”) brings this action against defendants Alpine Electronics of America, Inc. (“Alpine”), BMW of North America, LLC (“BMW”), Clarion Corporation of America (“Clarion”), Cobra Electronics Corporation (“Cobra”), Delphi Corporation (“Delphi”), Harman International Industries, Incorporated (“Harman”), LG Electronics U.S.A., Inc. (“LG”), Magellan Navigation, Inc. (“Magellan”), Mio Technology USA Ltd. (“Mio”), Navigon, Inc. (“Navigon”), Sanyo North America Corporation (“Sanyo”), and TomTom, Inc. (“TomTom”), and alleges:

THE PARTIES

1. Traffic is a limited liability company organized and existing under the laws of the State of Texas.

2. On information and belief, Alpine is a corporation organized and existing under the laws of California, has a principal place of business at 19145 Gramercy Place, Torrance, California 90501, has designated its registered agent in Texas for purposes of service of process as The Prentice Hall Corporation, 701 Brazos Street, Suite 1050, Austin, Texas 78701, and is doing business in this judicial district.

3. On information and belief, BMW is a limited liability company organized and existing under the laws of Delaware, has a principal place of business at 300 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677, has designated its registered agent in Texas for purposes of service of process as C T Corporation System, 350 North St. Paul Street, Dallas, Texas 75201, and is doing business in this judicial district.

4. On information and belief, Clarion is a corporation organized and existing under the laws of California, has a principal place of business at 6200 Gateway Drive, Cypress, California 90630, has designated its registered agent in Texas for purposes of service of process as National Registered Agents, Inc., 16055 Space Center, Suite 234, Houston, Texas 77062, and is doing business in this judicial district.

5. On information and belief, Cobra is a corporation organized and existing under the laws of Delaware, has a principal place of business at 6500 West Cortland Street, Chicago, Illinois 60707, has designated its registered agent for purposes of service of process as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

6. On information and belief, Delphi is a corporation organized and existing under the laws of Delaware, has a principal place of business at 5725 Delphi Drive, Troy, Michigan 48098, has designated its registered agent for purposes of service of process as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

7. On information and belief, Harman is a corporation organized and existing under the laws of Delaware, has a principal place of business at 1101 Pennsylvania Avenue, Suite 1010, Washington, D.C. 20004, has designated its registered agent for purposes of service of process as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

8. On information and belief, LG is a corporation organized and existing under the laws of Delaware, has a principal place of business at 1000 Sylvan Avenue, Englewood Cliffs, New Jersey 07632, has designated its registered agent in Texas for purposes of service of process as United States Corporation Co., 701 Brazos Street, Suite 1050, Austin, Texas 78701, and is doing business in this judicial district.

9. On information and belief, Magellan is a corporation organized and existing under the laws of Delaware, has a principal place of business at 471 El Camino Real, Santa Clara, California 95050, has designated its registered agent for purposes of service of process as The Corporation Trust Company, Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware 19801, and is doing business in this judicial district.

10. On information and belief, Mio is a corporation organized and existing under the laws of California, has a principal place of business at 47988 Fremont Blvd., Fremont, California 94538,

has designated its registered agent for purposes of service of process as Corrina Chan, 47988 Fremont Blvd., Fremont, California 94538, and is doing business in this judicial district.

11. On information and belief, Navigon is a corporation organized and existing under the laws of Illinois, has a principal place of business at 200 West Madison Street, Suite 650, Chicago, Illinois 60606, has designated its registered agent for purposes of service of process as Sarah Ames, 525 West Monroe Street, Suite 2360, Chicago, Illinois 60661, and is doing business in this judicial district.

12. On information and belief, Sanyo is a corporation organized and existing under the laws of Delaware, has a principal place of business at 2055 Sanyo Avenue, San Diego, California 92154, has designated its registered agent in Texas for purposes of service of process as The Prentice Hall Corporation, 701 Brazos Street, Suite 1050, Austin, Texas 78701, and is doing business in this judicial district.

13. On information and belief, TomTom is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, has a principal place of business at 150 Baker Avenue, Concord, Massachusetts 01742, has designated its registered agent for purposes of service of process as Jocelyn Vigreux, 150 Baker Avenue, Concord, Massachusetts 01742, and is doing business in this judicial district.

JURISDICTION AND VENUE

14. This is an action for patent infringement arising under the provisions of the Patent Laws of the United States of America, Title 35, United States Code.

15. Subject-matter jurisdiction over Traffic's claims is conferred upon this Court by 28 U.S.C. §§ 1331 and 1338(a).

16. On information and belief, each defendant has solicited business in the State of Texas, transacted business within the State of Texas and attempted to derive financial benefit from residents of the State of Texas, including benefits directly related to the instant patent infringement cause of action set forth herein.

17. On information and belief, each defendant has placed its allegedly infringing products and services into the stream of commerce throughout the United States with the expectation that they will be used by consumers in this judicial district, which products and services have been offered for sale and used in Texas and/or this judicial district.

18. Each defendant is subject to personal jurisdiction in Texas and this judicial district, and is doing business in this judicial district.

19. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

PATENT INFRINGEMENT

20. On August 31, 2004, U.S. Patent No. 6,785,606 (“the ‘606 patent”), entitled “System For Providing Traffic Information,” a copy of which is attached hereto as Exhibit A, was duly and legally issued. Traffic is the owner by assignment of all right, title and interest in and to the ‘606 patent, including the right to sue for and recover all past, present and future damages for infringement of the ‘606 patent.

21. Upon information and belief, each defendant, either alone or in conjunction with others, has in the past and continue to infringe, contribute to infringement, and/or induce infringement of the ‘606 patent by making, using, selling and/or offering to sell, and/or causing others to use, products and services, which in combination with other devices and systems, and in

use, are covered by at least one claim of the '606 patent. Defendants are liable for infringement of the '606 patent pursuant to 35 U.S.C. § 271.

22. One or more of the defendants have committed acts of patent infringement in this district by offering to sell and selling products in this district which in use and in combination with other devices infringe one or more claims of the '606 patent.

23. Each defendant's acts of infringement have caused damage to Traffic, and Traffic is entitled to recover from each defendant the damages sustained by Traffic as a result of each defendant's wrongful acts in an amount subject to proof at trial.

24. As a consequence of the infringement complained of herein, Traffic has been irreparably damaged to an extent not yet determined and will continue to be irreparably damaged by such acts in the future unless each defendant is enjoined by this Court from committing further acts of infringement.

PRAYER FOR RELIEF

WHEREFORE, Traffic prays for entry of judgment that:

- A.** Each defendant has infringed the '606 patent;
- B.** Each defendant account for and pay to Traffic all damages caused by its individual and/or joint infringement of the '606 patent in accordance with 35 U.S.C. § 284;
- C.** Traffic be granted permanent injunctive relief pursuant to 35 U.S.C. § 283 enjoining each defendant, its officers, agents, servants, employees and those persons in active concert or participation with them from further acts of patent infringement;
- D.** Traffic be granted pre-judgment and post-judgment interest on the damages caused to it by reason of each defendant's patent infringement complained of herein;
- E.** Traffic be granted its reasonable attorneys' fees;

- F.** Costs be awarded to Traffic; and,
- G.** Traffic be granted such other and further relief as the Court may deem just and proper under the circumstances.

DEMAND FOR JURY TRIAL

Traffic demands trial by jury on all claims and issues so triable.

Respectfully submitted,

Dated: January 29, 2008

/s/ Robert Christopher Bunt

Robert Christopher Bunt

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ATTORNEYS FOR PLAINTIFF,
TRAFFIC INFORMATION, LLC.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served this 29th day of January, 2008, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by, electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Robert Christopher Bunt
Robert Christopher Bunt